

REMARKS

Claims 1-18 are all the claims pending in the application. Claims 1-4, 8, 12-14 and 18 presently stand rejected. Claims 5-7, 9-11 and 15-17 remain objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Applicant thanks the Examiner for acknowledging the claim for foreign priority and indicating that WO 00/76902 to Nishikawa et al. (hereafter referenced as '902) is removed as prior art against the claims of the present application.

The specification was objected to by the Examiner; specifically, it was indicated that Fig. 31 should be changed to --31A-- or --31B--. The appropriate changes have been made to the specification. Withdrawal of the objection to the specification is, thus, in order.

The drawings filed February 4, 2002 were objected to by the Examiner; specifically, the Examiner indicated that Figs. 31A, 31B and 32 should be designated with a legend such as --Prior Art-- because only that which is old is illustrated. The appropriate changes to the drawings have been made. Withdrawal of the drawing objection is, thus, in order.

Claims 1, 2-4, 8, 12-14 and 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,325,935, to Hirooka et al. (hereafter referenced as '935).

For the reasons set forth below, Applicant respectfully traverses the rejection and requests favorable disposition of the claims.

Arguments

Though the Examiner has rejected Claims 1, 2-4, 8, 12-14 and 18 under 35 U.S.C. § 102(b) as being anticipated by '935, the grounds of rejection assert that "it would have been

obvious to one skilled in the art at the time of the invention to be motivated to modify the side fork type transportation vehicle of ['902] by incorporating the features from the reach forklift of ['935]....” Applicant notes that the '902 reference has been removed as prior art, and thus, should not be cited against the pending claims. Second, the introduction of '902 and the reference to a motivation to modify is related to a rejection under 35 U.S.C. § 103, not the present rejection under 35 U.S.C. § 102(b). Therefore, Applicant respectfully requests clarification of the rejection. In order to attempt to respond to the present office action, however, Applicant responds below as if the rejection based on '935 were properly made under 35 U.S.C. § 102(b).

'935 is directed to a forklift and various ways to turn the forklift using steering angles of load wheels. The '935 forklift attempts to provide a comfortable ride for the operator and a small turning radius by driving the load wheels to produce a calculated turning center. There is no indication of operator choice in selecting the turning center. The cargo carrier table is never mentioned in connection with a turning center. Also, though the specification mentions that the operator can choose one of plural travel modes, these travel modes are not characterized or described except as indicators of various embodiments of the calculated turning center. Thus, '935 does not disclose a normal running mode, as claimed in the present application. Instead, all of the '935 modes somehow relate to selection of a desired turning response and not a normal running mode.

Additionally, the '935 reference relates to a reach-type forklift in which fork arms and a mast are movable with respect to a body. The turning center is not changed when the fork arms

AMENDMENT UNDER 37 C.F.R. § 1.111
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are moved. The body always turns about the vicinity of the front end of the body as a turning center.

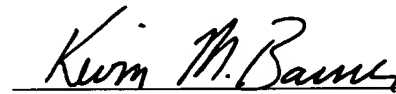
For at least these reasons, the '935 reference does not anticipate any of Claims 1, 2-4, 8, 12-14 and 18 under 35 U.S.C. § 102(b). Accordingly, the rejection is improper and should be withdrawn.

Conclusion

In view of the foregoing remarks, the application is believed to be in form for immediate allowance with claims 1-18, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to **contact the undersigned** at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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